

REMARKS

Claims 1 and 3-11 are all the claims pending in the application.

Claims 1, 3-7, 9 and 10 are rejected.

Claims 8 and 11 are objected to.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 10/795,446.

Claims 1, 3, 4, 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima in view of Watanuki.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima in view of Watanuki as applied to claim 4 above, and further in view of Guba.

The Applicants traverse the rejections and request reconsideration.

Claim rejections under 35 U.S.C. § 112

The patent office continues to maintain the rejection of claim 5 under section 112, second paragraph. The patent office contends that the relationship between the first and the second transponders is not clear. The Applicants provide further clarifications as follows. Claim 1 recites a transponder (could be any transponder). Claim 5 also includes one transponder structurally. However, it also provides the apparatus with the additional limitation of having the

operability to replace a first transponder with a first ID with a second transponder with a second ID.

It should be clear to a skilled artisan that at a given point of time, the apparatus of claim 5 has only one transponder. Prior to the replacement, it has the first transponder with the first ID as the transponder, and after the replacement it has the second transponder with the second ID.

Double-patenting

The Examiner is requested to hold the status of the provisional double patenting rejection in abeyance. The Applicants will deal with this rejection once it is made final.

Claim rejections under 35 U.S.C. § 103

Rejection of claims 1, 3, 4, 6, 7, 9, and 10 under 35 U.S.C. 103(a) based on Takashima in view of Watanuki

The patent office relies on Watanuki for its alleged teaching on the replaceability of the transponder. In the previous response, the Applicants noted that the hooks 10a of Watanuki are engaged in the hooking grooves 7a, it is impossible to release the engagement without inwardly bending the hooks 10a. However, the lid portion of the cap 9 will obstruct such an inward bending of the hooks. Therefore, it is not believed to be possible to bend the hooks 10a. The patent office contends that there is no explicit suggestion that the transponder cannot be removed.

As shown clearly in Fig 4, the cap 9 is clicked into position by pushing it in. When it is pushed in, the hooks bend inwards and finally get hooked on in the grooves 7a. The electronic part 4 (which the patent office construes to be the transponder) snugly fits inside 3 and is

prevented by the cap 9 from slipping out. Once it is placed in, there does not appear to be a way for replacing it, without actually breaking the cap 9 and then replacing with a new cap.

The Applicants submit a declaration by Mr. Atsuhisa Ichikawa, a person skilled in this area of technology, stating that it is not possible to replace the transponder without breaking the cap. Therefore, the transponder is not replaceable as in the present invention.

The Applicants respectfully submit that the combined teachings of Takashima and Watanuki does not disclose the structure for detachably attaching the transponder to the lock plate.

Rejection of claim 5 under 35 U.S.C. 103(a) based on Takashima in view of Watanuki as applied to claim 4 above, and further in view of Guba

Claim 5 is dependent on claim 1 and is allowable for the same reasons. Moreover, Guba does not overcome the deficiencies noted above in the combined teachings of Takashima and Watanuki.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Patent Application No.: 10/811,862

Attorney Docket No.: Q80693

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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